

Attorney Docket No.: A-65635-1/DJB/RMS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: )  
NOLAN, et al. )  
Serial No.: 09/135,238 )  
Filed: 17 August 1998 )  
For: TOSO )

Examiner: Not Assigned  
Group Art Unit: 1643

CERTIFICATE OF MAILING

I hereby certify that this correspondence, including listed enclosures, is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, **BOX MISSING PARTS**, Washington, DC 20231 on March 3, 1999.

Signed: \_\_\_\_\_

Gail Clark

**RESPONSE TO NOTICE TO FILE MISSING PARTS**  
***Filing Date Granted***

Assistant Commissioner for Patents  
**BOX MISSING PARTS**  
Washington, D.C. 20231

Sir:

In response to the Notice to File Missing Parts of Application, *Filing Date*  
*Granted*, mailed September 3, 1998, enclosed are the following documents:

- 1) A copy of the Notice to File Missing Parts of Application, *Filing Date*  
*Granted*, Form PTO-1533;
- 2) Verified Statement (Declaration) Claiming Small Entity Status - Small  
Business Concern;
- 3) Power of Attorney by Assignee;
- 4) Declaration for Patent Application executed by Inventor Garry Nolan;
- 5) Declaration for Patent Application executed by Inventor Yasumichi  
Hitoshi;

Serial No.: 09/135,238  
Filed: 17 August 1998

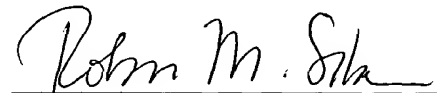
- 6) A copy of the Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures Form PTO-1661;
- 7) Disk copy of Sequence Listing;
- 8) Printed copy of Sequence Listing;
- 9) Preliminary Amendment in compliance with requirements for patent applications containing nucleotide sequence and/or amino acid sequence disclosures;
- 10) Petition for Extension of Time (3-months);
- 11) A check in the amount of \$1,540.00 covering the filing fee (\$395.00), surcharge (\$65.00), additional claims fee (\$400.00), and extension fee (\$680.00); and
- 12) Return postcard.

The Assistant Commissioner is hereby authorized to charge any additional fees, including extensions, or credit any overpayment to Deposit Account 03-1600 (File A-65635-1/DJB/RMS). An additional copy of this sheet is enclosed.

Respectfully submitted,

FLEHR HOHBACH TEST  
ALBRITTON & HERBERT LLP

By



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San Francisco, California 94111-4187  
Telephone: (415) 781-1989  
Date: March 3, 1999



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
09/135,238	08/17/98	NOLAN	A-65635-1/DJ

FLEHR HOBBACH TEST  
ALBRITTON & HERBERT  
4 EMBARCADERO CENTER SUITE 2400  
SAN FRANCISCO CA 94111

0232/0900

NOT ASSIGNED

1643  
DATE MAILED:

09/03/98

**NOTICE TO FILE MISSING PARTS OF APPLICATION**  
**Filing Date Granted**

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file all required items and pay fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of items 1 or 3 through 5 are indicated as missing, the SURCHARGE set forth in 37 CFR 1.16(e) of \$65.00 for a small entity in compliance with 37 CFR 1.27, or \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

If all required items on this form are filed within the period set above, the total amount owed by applicant as a  
☐ small entity (statement filed) ☒ non-small entity is \$ 790

☒ 1. The statutory basic filing fee is:

- ☐ missing.  
☐ insufficient.

Applicant must submit \$ 790 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).

☐ 2. Additional claim fees of \$ 800, including any multiple dependent claim fees required.

- \$ 400 for 16 independent claims over 3.  
\$ 400 for 14 dependent claims over 20.

Adjustment dates: 03/22/1999 WILLIAM 09135238  
03/12/1999 CURRACH 0000000 09135238

01 FC:218 Applicant must either submit additional claim fees or cancel additional claims for which fees are due.

☒ 3. The oath or declaration:

- ☒ is missing or unexecuted.  
☐ does not cover the newly submitted items.  
☐ does not identify the application to which it applies.  
☐ does not include the city and state or foreign country of applicant's residence.

An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.

☐ 4. The signature(s) to the oath or declaration is/are by a person other than inventor or person named under 37 CFR 1.42, 1.43 or 1.47.

A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date is required.

Adjustment dates: 03/22/1999 WILLIAM 09135238  
03/12/1999 CURRACH 0000000 09135238

01 FC:201 -395.00 DP  
02 FC:205 -65.00 DP

03 FC:202 An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying the application by the above Application Number and Filing Date, is required.

04 FC:203

☐ 6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(a)).

☐ 7. Your filing receipt was mailed in error because your check was returned without payment.

☐ 8. The application does not comply with the Sequence Rules.

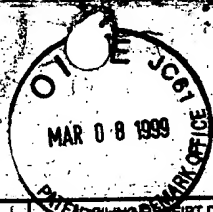
See attached "Notice to Comply with Sequence Rules 37 CFR 1.821-1.825."

☐ 9. OTHER:

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

**A copy of this notice MUST be returned with the reply.**

Customer Service Center  
Initial Patent Examination Division (703) 308-1202



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARK  
Washington, D.C. 20231

APPLICATION NUMBER	PATENT RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
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09/135,239 08/17/98 NULAN

0232/0903

FLEHR HOHBACH TEST  
ALBRITTON & HERBERT  
4 EMBARCADERO CENTER SUITE 3400  
SAN FRANCISCO CA 94111

NOT ASSIGNED

1643  
DATE MAILED: 09/03/98

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS  
CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821 - 1.825 for the following reason(s):

- ☐ 1. This application fails to comply with the requirements of 37 CFR 1.821 - 1.825.
- ☒ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 CFR 1.821(c).
- ☒ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. The content of the computer readable form, however, does not comply with the requirements of 37 CFR 1.822 and/or 1.832, as indicated on the attached marked-up copy of the "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 CFR 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 CFR 1.821(e).
- ☐ 7. OTHER: \_\_\_\_\_

**APPLICANT MUST PROVIDE:**

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing."
- ☒ An initial or substitute paper copy of the "Sequence Listing," as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b) or 1.825(d).

**FOR QUESTIONS REGARDING COMPLIANCE WITH THESE REQUIREMENTS, PLEASE CONTACT:**

- ☐ For Rules interpretation, call (703) 308-1123.
- ☐ For CRF submission help, call (703) 308-4212.
- ☐ For Patent software help, call (703) 308-6856.

*[Signature]*  
Customer Service Center  
Initial Patent Examination Division (703) 308-1202

A-6563-1  
11/2/98

**PART 2 - COPY TO BE RETURNED WITH RESPONSE**